

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

MAURICIO MAZZA-ALALUF,

Defendant.

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Crim. No. 07 CR 403 (PKC)

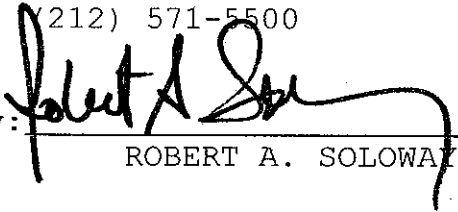
DEFENDANT'S MOTION TO DISMISS
COUNTS ONE AND TWO OF THE INDICTMENT

COMES NOW defendant, MAURICIO MAZZA-ALALUF, by and through undersigned counsel, and for the reasons set forth in the accompanying Memorandum of Law, moves this Honorable Court pursuant to Federal Rule of Criminal Procedure § 12(b)(3)(B) to dismiss Count One of the indictment for failure to state an offense under 18 U.S.C. § 371; and, in the alternative, to dismiss Count One of the indictment on the ground that 18 U.S.C. § 1960 is unconstitutionally vague; and to dismiss Count Two of the indictment on the ground that 18 U.S.C. § 1960 is unconstitutionally vague. Defendant also requests such further and different relief as this Court finds just and proper.

Dated: New York, New York
August 25, 2008

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